

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LINDSEY HARRISON, <i>et al.</i> ,	)	Case No. 5:17-cv-00477
	)	
Plaintiff,	)	MAGISTRATE JUDGE
	)	THOMAS M. PARKER
v.	)	
	)	
ROCKNE'S Inc., et al.,	)	<b><u>ORDER ADOPTING</u></b>
	)	<b><u>MAGISTRATE'S REPORT &amp;</u></b>
Defendants.	)	<b><u>RECOMMENDATION</u></b>
	)	

Plaintiffs Lindsey Harrison and Angela Zabor filed this case as a collective action under the Fair Labor Standards Act alleging that defendants (collectively: "Rockne's") violated the FLSA by not giving plaintiffs notice that Rockne's was going to take a tip credit against the minimum wage. On May 23, 2018, the parties attended a mediation conference before Magistrate Judge Jonathan Greenberg, and the minutes following the mediation state that the parties reached an agreement. ECF Doc. 55.

However, on June 15, 2018, plaintiffs filed a notice of settlement impasse. ECF Doc. 61. Magistrate Judge Greenberg continued to work with the parties in an attempt to resolve their disputes related to the settlement of the case. But, on July 23, 2018, defendants filed a motion to enforce the parties' May 23, 2018 settlement agreement. ECF Doc. 66. Magistrate Judge Greenberg met once more with the parties on August 17, 2018 and issued a report and recommendation on August 30, 2018 recommending that the court deny defendants' motion to

enforce the parties' settlement agreement because the parties had not reached a meeting of the minds and their "agreement" was unenforceable. ECF Doc. 69.

Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within 14 days after service. No objections have been filed in this case and further review by this court would be a duplicative and inefficient use of the court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-950 (6th Cir. 1981). Accordingly, the Report and Recommendation of Magistrate Judge Greenberg is hereby adopted. Defendant's motion to enforce settlement agreement is DENIED.

Because there was no meeting of the minds, the parties' confidential settlement agreement is unenforceable and the case is not settled. Defendants' motion to enforce the parties' May 23, 2018 confidential settlement agreement (ECF Doc. 66) is DENIED. A telephone conference in order to schedule an immediate trial date is hereby scheduled for October 1, 2018 at 9:30 a.m. Please plan accordingly.

**IT IS SO ORDERED.**

Dated: September 20, 2018



Thomas M. Parker  
United States Magistrate Judge

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